

TOWN OF CLARKSON
TOWN BOARD MEETING
September 28, 2021

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, September 28, 2021 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M.

PRESENT:

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Tom Guarino	Councilperson
Leslie Zink	Councilperson
Susan Henshaw	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney
**Liz Spencer	Assessor
Kevin Moore	Building Inspector

**excused

Supervisor Filipowicz opened the meeting. She led everyone in the Pledge of Allegiance. A moment of silence was observed for our service men and women, first responders, as well as those on the front lines fighting COVID.

OPEN FORUM

Martha Clasquin of 34 Sherwood Dr, wanted to ask the date of the 2022 Budget Workshop. Supervisor Filipowicz confirmed with her that it will be held on Wednesday, October 6 at the Town Hall at 6p. Ms. Clasquin also wanted to know when to expect the results on the Comprehensive Plan Survey. Councilperson Zink advised that she will have more info to share at the next town board meeting on October 12 and that the Comprehensive Committee should have more specifics available in time for the December town board meeting. She was confused as to what projects in town were being used from town budget or ARPA money. Supervisor Filipowicz and Superintendent Viscardi explained that the ARPA money will be used towards infrastructure as well as storm and sanitary sewer upgrades. The budget 2022 is currently being worked on and more info will be forthcoming. Ms. Clasquin mentioned about 54 Valleyview Dr and the drainage issues. That when she called Superintendent Viscardi to advise, he contacted the Monroe County Water Authority and they sent a crew out to revisit the site.

HISTORICAL MOMENTS

Leanna Hale the town Historian, spoke about “Gramma’s bottom drawer”. She showed off a collection of keys found that were held together by fishing line. The drawer was lined with genealogy papers and inside was a leather handled hairbrush and a newspaper from 1955. Ms. Hale read some shorts articles of the paper regarding a high school reunion, a child’s birthday party, swim lessons and a vacation to the “North Pole”. She especially noted the Clarkson Fire Company and how they were to have a demo of a particular pumper truck to be held at the Hoy farm on Gilmore Rd. The town was trying to start a Fire Department in Clarkson at the time. Leanna’s message, don’t throw away papers at bottom of the dresser drawer without reading them first.

9-28-2021

PUBLIC HEARING

To Opt–Out of allowing Cannabis Retail Dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4. Supervisor Filipowicz opened the hearing to anyone that wished to speak. No comments.

RESOLUTION #176
TO CLOSE PUBLIC HEARING ON A LOCAL LAW #1-2021 TO OPT OUT OF
ALLOWING CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES AS
AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

Introduced by Councilperson Zink

Seconded by Councilperson Didas

Be it enacted by the Town of Clarkson; County of Monroe as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Clarkson that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Clarkson hereby opts out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the town’s jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

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OLD BUSINESS

Clarkson Renewables 2 Nexamp - Dave Byrne from Renua Energy and Jim Palumbo from Klepper, Hahn and Hyatt, civil engineer firm, asked for this to move to the planning board phase. Town attorney Richard Olson advised that the Conservation Board, Building Inspector Kevin Moore, town engineer JP Schepp have spent much time working on the environmental assessment of this project. That any project of this magnitude will have some sort of impact on the environment, but to what degree. Mr. Olson proceeded to review all levels such as soil, minerals, surface water, ground water, possible flooding with new area for wetland as well as the air. All were determined to have a small to zero impact on the environment. The impact on plants, wildlife, agriculture – the soil to be replaced after de-commissioning, the aesthetics from San Souci Park, historic archeologic resources were also moderate. Open spaces and recreation was determined to have a small to moderate impact. Critical environmental area, transportation, energy, human health will have zero impact. Minor impact issue with odor, light and noise during the construction phase. It is determined that this project is consistent with the community plan and character of the area. After the 25 year lease, the solar panels will be removed and soil spread to cover the area and will be brought back to the original look. The Conservation Board has requested this be a negative declaration.

RESOLUTION #177

ADOPTING A NEGATIVE SEQRA FOR CLARKSON RENEABLES 2 NEXAMP

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

WHEREAS, the Town of Clarkson Town Board (hereinafter referred to as Board) is considering the Establishment of a Solar Energy System Overlay District on land owned by Kathryn Hoppe located on the east side of Orleans Monroe County Line Road (Tax Map No. 067.02-1-1) that will have a 4.7 MW/AC Large Scale Solar Energy System (“the Application”); and

WHEREAS, the Board determines that said proposed application is classified as Type 1 Action under the SEQRA Regulations; and

WHEREAS, the Board completed a coordinated review in accordance with Section 617.6(b)(3); and received no objections to the Board acting as Lead Agency; and

WHEREAS, the Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (l) of the SEQRA Regulations and the information contained in the Full Environmental Assessment Form Part 1; and

WHEREAS, the Application has been reviewed by the Clarkson Conservation Advisory Board which has completed Part 2 of the FEAF; and

WHEREAS, the Board has prepared Part 3 of the Full Environmental Assessment Form and has recommended a Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED that the Town Board, as Lead Agency, has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7

there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the

site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;

(iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

(iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;

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(v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO), or will the proposed Action impair the existing community or neighborhood character;

(vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;

(vii) there will not be any hazard created to human health;

(viii) there will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;

(ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;

(x) there will not be created a material demand for other Actions that would result in one of the above consequences;

(xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

(xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action will not result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED, that the Board does hereby make a Determination of Non-Significance on the proposed development, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

The Planning Board made a recommendation to Monroe County and any further concerns or comments can be directed to the Planning and/or Conservation Boards.

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RESOLUTION #178
RESOLUTION AND FINAL ORDER
APPROVING APPLICATION OF THE SOLAR ENERGY SYSTEMS
OVERLAY DISTRICT REGULATIONS TO PROPERTY ON THE EAST SIDE OF
ORLEANS MONROE COUNTY LINE ROAD NORTH OF WEST AVENUE

Introduced by Councilperson Guarino

Seconded by Councilperson Hoy

Final order to approve the application of the Solar Energy Systems Overlay District regulations

WHEREAS, Clarkson Renewables 2, LLC, developer and Kathryn Hoppe, owner, have made application to the Town Board of the Town of Clarkson for approval and authorization for the application of the Solar Energy Systems Overlay District Regulations to parcels of land located within the Town of Clarkson, Monroe County, New York which they wish to develop for installation of solar energy systems; and

WHEREAS, the Town Board of the Town of Clarkson did hold and conduct a public hearing to consider such application, which public hearing was held at the Clarkson Town Hall 3710 Lake Road, Clarkson, New York on the 14th day of September, 2021 at 6:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof, due notice of which was given as required by law; and

WHEREAS, the Planning Board of the Town of Clarkson has recommended that this application be approved; and

WHEREAS, the Monroe Department of Planning and Development has reviewed the application pursuant to Section 239 of the General Municipal Law and has made several comments which have been addressed by this Board, the Conservation Board and will be primarily dealt with by the Clarkson Planning Board; and

WHEREAS, upon a review of the maps, plans and application and after having heard all interested persons concerning such application and due deliberation having been had, the Town Board of the Town of Clarkson is desirous of approving such application;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkson, Monroe County, New York, as follows:

SECTION I: That by the adoption of this Resolution and Final Order, the Town Board of the Town of Clarkson does hereby approve the application of the Solar Energy Systems Overlay District Regulations to those parcels of land, as more particularly described in schedule A which is attached hereto and made a part hereof.

SECTION II: That the Planning Board of the Town of Clarkson shall be entitled to apply such Solar Energy Systems Overlay District Regulations to the application of Clarkson Renewables, LLC for site plan approval in accordance with the provisions of such Overlay District, as more particularly described therein. That prior to the Planning Board making its final decision, the Attorney for the Town shall have notified the Planning Board that the Town has entered into a Host Community Agreement with the developer.

SECTION III: That the Town Board of the Town of Clarkson, acting as lead agency for purposes of SEQRA Review did review Part I of the full Environmental Assessment Form, as prepared by the applicant, and did, by Negative Declaration dated September 28, 2021 issue its determination and finding that the proposed action will have no significant impact upon the environment and did issue its Negative Declaration with respect to the same.

SECTION V: That the Town Clerk shall give due notice of this Resolution and Final Order as required by law.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

9-28-2021**SCHEDULE A****Parcel 1**

All that certain piece or parcel of land situate, lying and being in the Town of Clarkson, County of Monroe, State of New York, and being more particularly described as follows: BEGINNING at a point on the easterly right of way line of Monroe Orleans County Line Road, as the same is monumented, surveyed, deeded, platted and occupied, said point being the most northwesterly corner of the herein described parcel of land and the most southwestly corner of lands now or formerly of John B. Martin & Sons, LLC. as described in Deed Book 12326 at Page 94; thence easterly and generally along a stonewall North $89^{\circ}-15'-34''$ East 1,737.51 feet to a point being the most northeasterly corner of the herein described parcel of land and being a northwesterly corner of the previously mentioned lands of John B. Martin & Sons, LLC., said point being marked by a found $\frac{1}{2}''$ Iron Rod; thence southerly and generally following remains of an old fence South $00^{\circ}-50'-07''$ West 1,821.55 feet to a point on the northerly right of way line of New York State Route 31, aka West Avenue, as the same is monumented, surveyed, deeded, platted and occupied, said point being the most southeasterly corner of the herein described parcel of land and the most southwestly corner of other lands now or formerly of John B. Martin & Sons, LLC. as described in Deed Book 12326 at Page 94; thence along the northerly right of way line of said West Avenue along a curve to the left having a radius of 1,725.60 feet, an arc length of 655.24 feet and bearing a chord of North $88^{\circ}-52'-38''$ West 651.32 feet to a point being at the intersection of the northerly right of way line of the aforementioned West Avenue and the easterly right of way line of the previously mentioned Monroe Orleans County Line Road; thence along said easterly line of Monroe Orleans County Line Road the following five (5) courses and distances:

- 1) North $34^{\circ}-10'-55''$ West 141.92 feet to a point; thence
- 2) North $73^{\circ}-35'-31''$ West 390.38 feet to a point; thence
- 3) along a curve to the left having a radius of 336.60, an arc length of 614.34 and bearing a chord of North $65^{\circ}-42'-10''$ West 532.56 feet to a point; thence
- 4) along a curve to the right having a radius of 550.42 feet, an arc length of 345.76 feet and bearing a chord of North $20^{\circ}-32'-07''$ West 340.11 feet to a point; thence
- 5) North $00^{\circ}-02'-29''$ East 1,021.47 feet to the Point or Place of BEGINNING.

Containing 62.93 acres of land, being more or less.

Parcel 2

All that certain piece or parcel of land situate, lying and being in the Town of Clarkson, County of Monroe, State of New York, and being more particularly described as follows: BEGINNING at a point on the easterly right of way line of Monroe Orleans County Line Road, as the same is monumented, surveyed, deeded, platted and occupied, said point being the most westerly corner of the herein described parcel of land and being distant from the most northwesterly corner of Parcel 1 the following two (2) courses and distances:

- 1) South $00^{\circ}-02'-29''$ West 1,021.47 feet to a point; thence
- 2) along a curve to the left having a radius of 550.42 feet, an arc length of 345.76 feet and bearing a chord of South $20^{\circ}-32'-07''$ East 340.11 feet to the point of BEGINNING; thence along a curve to the right having a radius of 266.60 feet, an arc length of 473.38 feet and bearing a chord of South $64^{\circ}-13'-42''$ East 413.60 feet to a point on the easterly right of way line of the previously mentioned Monroe Orleans County Line Road; thence North $71^{\circ}-59'-08''$ West 163.12 feet to a point; thence along a curve to the right having a radius of 572.96 feet, an arc length of 255.03 feet and bearing a chord of North $59^{\circ}-14'-03''$ West 252.93 feet to the Point or Place of BEGINNING.

Containing 35,248.84± square feet of land, being more or less.

9-29-2021

The Community Host Agreement is almost completed. Waiting for a few things to be finalized before they can proceed.

Dave Byrne from Renua Energy inquired about the next Planning Board meeting on October 5 at 7p and ensuring Nexamp is on the agenda.

NEW BUSINESS

Professional Services Agreement – will discuss when Liz Spencer, Assessor is able to attend at the next town board meeting on October 12.

Board Resignation letters – immediately from Conservation Board member William Putnam who is moving out of town and Zoning Board member Jim Gillette who will finish his term ending December 31, 2021.

Capitalization Policy – EFPR has reviewed the towns fixed asset schedule along with the current financial statements and they recommend modifying the capitalization policy.

RESOLUTION #180
TO ADOPT A NEW CAPITALIZATION POLICY RECOMMENDED BY
ACCOUNTANTS EFPR

INTRODUCED BY Councilperson Didas

Seconded by Councilperson Hoy

To adopt a new capitalization policy recommended by accountants EFPR

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

2022 Tentative Budget – has been provided to town board and town clerk and will be discussed further at the Budget Workshop on Wednesday, October 6 at 6p at the Town Hall.

Intermunicipal Agreement for Shared Recreation Programs and Park Services – Superintendent Viscardi requests Supervisor Filipowicz sign the agreement, which needs to be renewed every 5 years.

RESOLUTION #181
AUTHORIZING INTERMUNICIPAL AGREEMENTS FOR SHARED
RECREATION PROGRAMS AND PARK SERVICES

Introduced by Councilperson Hoy

Seconded by Councilperson Zink

To authorize intermunicipal agreements for shared recreation programs and park services

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

Handbook updates – book will be modified to read that sick time is accrued each pay period. Also sick leave cannot be used in increments less than 1 hour. Infectious Disease-employee is allowed up to 10 days max to be out sick with COVID.

RESOLUTION #182
TO APPROVE HANDBOOK UPDATES

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve updates to the employee handbook

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

9-28-2021

Supervisor Report:

Notice of Intent – For Town-wide Water RD Grant we need to file a new Notice of Intent Application to appear in the Westside News as the initial time period has expired.

RESOLUTION #183**NOTICE OF INTENT TO FILE APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE WITH THE US DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT AND RURAL UTILITIES SERVICE**

INTRODUCED BY Councilperson Zink

Seconded by Councilperson Guarino

Notice of intent to file application for federal financial assistance with the US Department of Agriculture, Rural Development and Rural Utilities Service.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

Clarkson Academy – Supervisor Filipowicz attended the Sign Dedication of the Clarkson Academy last evening and provided a proclamation on behalf of the Town congratulating all on the work that has been done to preserve this historic building.

Town Board Report:

Kimball Park – Councilperson Didas wanted to mention that the permanent signs for the tree dedications are in and will be installed shortly.

Library Meeting – Councilperson Zink advised she attended the meeting at the library on September 22 that discussed the audit. They advised the audit came back positive. Management advised they did not find any deficiencies or weaknesses. She thanked Marilyn Brown for her work on that committee as well. Friends of the Library will be holding a Book Sale on October 13-16. On December 8 will be the Library's 25th Anniversary in that building. They will be having a large celebration for this event. Supervisor Filipowicz mentioned Board approved unanimously the agreements between the library and the 3 municipalities. The library 2022 budget meeting will be held on Wednesday October 6. A time capsule will be prepared and sealed at the 25th Anniversary event, to be opened in 2046. The Library Foundation will meet on Tuesday October 12 at 4:30pm in the history room. The Library personnel is currently working on revising their employee handbook.

Attorney – Richard Olson wanted to advise that the Hamlin Clarkson Herald is now officially the Westside News and we need to do a resolution stating this name change.

RESOLUTION #184**OFFICIAL TOWN NEWSPAPER FORMERLY KNOWN AS THE HAMLIN-CLARKSON HERALD IS NOW THE WESTSIDE NEWS**

Introduced by Councilperson Didas

Seconded by Councilperson Guarino

Official town newspaper change of name from Hamlin-Clarkson Herald to the Westside News

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink
NAYES: None

9-28-2021

Superintendent Report – Superintendent Viscardi advised that the highway is currently milling Drake Rd from Hamlin-Clarkson Townline Rd to Ridge Rd and will be paving on Monday, October 4 along with assistance from Hamlin and Parma. Junk Days will be Friday and Saturday October 22 -23, with Brush pick up starting on Monday October 25.

Building Inspector Report: Kevin Moore advised for the month of September the Building department had:

104 - phone calls
 82 – inspections
 13 – in person meetings
 23 – closed out permits
 11 – new permits
 1 – new house permit
 17 – complaints

The Building Department also prepared applications for the Planning Board on behalf of The Self- Storage units. That Oak Orchard is doing renovations, Evergreen Place – Senior Assisted Living is adding a maintenance building to its property and a resident would like to add solar to the home.

Historian – Leanna Hale advised that she attended a Historian Conference in Oswego where several people were mentioning cemeteries and how to keep tombstones clean. Best time to clean them is in October and a cleaning solution was discussed. Leanna spoke to Councilperson Tom Guarino and requested perhaps the local Boy Scouts may want to assist in the clean-up. The Boy Scouts are currently working on cleaning tomb stones at this time. She also mentioned that she will be working the History room at the Seymour Library on Saturday mornings. She is having Signature Saturdays at the same time and would like to assist those that want help with their signatures.

RESOLUTION #185**ACKNOWLEDGE RECEIPT OF SUPERVISOR'S AUGUST FINANCIAL REPORT**

Introduced by Councilperson Hoy

Seconded by Councilperson Zink

To acknowledge receipt of the Supervisor's monthly financial report.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

RESOLUTION #186**APPROVE MINUTES 9-14-2021**

Introduced by Councilperson Zink

Seconded by Councilperson Guarino

To approve meeting minutes of 9-14-2021

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

RESOLUTION #187**AUDIT 9-28-2021**

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 9-28-2021 totaling \$30,551.98 AA General \$12,452.23, BB General- Outside Village \$2,065.53, DA Highway - Town Wide \$16,005.12, SS – Sewer \$29.10 and Distribution of checks: Trust and Agency #6212-6214, Joint

Checking #4482-4513.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

9-28-2021

RESOLUTION #188

ENTER INTO EXECUTIVE SESSION

Introduced by Councilperson Zink

Seconded by Councilperson Guarino

To enter into executive session 6:38pm

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

RESOLUTION #189

EXIT OUT OF EXECUTIVE SESSION

Introduced by Councilperson Hoy

Seconded by Councilperson Guarino

To exit out of executive session 7:15pm

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink

NAYES: None

RESOLUTION #190

ADJOURN

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

To adjourn the meeting at 7:15pm

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas, Hoy and Guarino

NAYS: None

Respectfully submitted,

Susan Henshaw

Town Clerk

Approved 10-12-2021